

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

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|------------------------------------|---|----------------------------|
| Michael Isaiah Anderson, Jr., |) | |
| |) | |
| Plaintiff, |) | C.A. No. 6:23-3197-HMH-KFM |
| |) | |
| vs. |) | OPINION & ORDER |
| |) | |
| Florence County Detention Center, |) | |
| Captain Patton, Major Brown, Chris |) | |
| Neal, |) | |
| |) | |
| |) | |
| Defendants. |) | |

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald made in accordance with 28 U.S.C. § 636(b) and District of South Carolina Local Civil Rule 73.02. Plaintiff, a state pretrial detainee proceeding pro se and in forma pauperis, brings this 42 U.S.C. § 1983 action alleging violations of his federal constitutional rights. In his Report and Recommendation filed on November 6, 2023, Magistrate Judge Kevin F. McDonald recommends dismissing Plaintiff’s claims with prejudice, without leave to amend, and without issuance and service of process. (R&R 6, ECF No. 26.)

Plaintiff timely filed objections to the Report and Recommendation.¹ (Objs., generally, ECF No. 29.) Objections to a report and recommendation must be specific. A report and recommendation carries no “presumptive weight,” and the responsibility for making a final determination remains with the court. Mathews v. Weber, 423 U.S. 261, 271 (1976). The court reviews de novo “those portions of the report . . . to which objection is made” and “may accept,

¹ See Houston v. Lack, 487 U.S. 266 (1988).

reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” or “recommit the matter . . . with instructions.” 28 U.S.C. § 636(b)(1). “To trigger de novo review, an objecting party ‘must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.’” Elijah v. Dunbar, 66 F.4th 454, 460 (4th Cir. 2023) (quoting United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)). In the absence of specific objections, the court reviews only for clear error, Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005), and need not give any explanation for adopting the report, Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Upon review, the court finds that Plaintiff has failed to raise any specific objections to the Report and Recommendation. Plaintiff does not address the substance of the magistrate judge’s findings or conclusions and merely restates the factual basis for his claims. Therefore, after reviewing the Report and Recommendation for clear error and finding none, the court adopts Magistrate Judge McDonald’s Report and Recommendation and incorporates it herein.

It is therefore

ORDERED that this action is dismissed with prejudice, without leave to amend, and without issuance and service of process.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
November 29, 2023

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.